

S/N 09/974798**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ellen M. Heath et al.

Examiner: Devesh Khare

Serial No.: 09/974798

Group Art Unit: 1623

Filed: October 12, 2001

Docket: 1074.028US1

Title: COMPOSITIONS AND METHODS FOR USING A SOLID SUPPORT TO PURIFY RNA

#5
6/19/03
JAMUW**RESPONSE TO RESTRICTION REQUIREMENT**Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Applicant has reviewed the Restriction Requirement mailed June 2, 2003, where the Examiner requested election of one of the following groups:

Group I: Claims 1-20 and 44 (method of purifying RNA from biological material with an RNA Binding Solution)

Group II: Claims 21-43 and 45 (method of purifying RNA from biological material with an RNA Lysing Solution)

Applicant provisionally elects, with traverse, the claims of Group II (claims 21-43 and 45).

The Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. It is respectfully submitted that the search and examination of the claims of Groups I and II can be made without serious burden on the Office. Claims 1-41 (Group I) are directed to a method of purifying RNA from biological material with an RNA Binding Solution, and claims 21-43 and 45 (Group II) is directed to a method of purifying RNA from biological material with an RNA Lysing Solution. Given the close relationship between the subject matter of the claims in these two groups, no additional serious burden results from the search and examination of all the claims. Thus, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

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The Examiner is invited to contact Applicants' Representative if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

ELLEN M. HEATH ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

612-373-6961

Date 16 June 2003

By

Ann S Viksnins

Reg. No. 37,748

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Amy J. MoriartyAmy MoriartyJune 16, 2003June 16, 2003